

	Period to be reviewed
Kenko Corporation Productos Aditivos, S.A. Shanghai Fortune Chemical Co., Ltd. Suzhou Fine Chemicals Group Co. Tianjin Changjie Chemical Co., Ltd. Tianjin North Food Sebacic Acid, ⁵ A-570-825	7/1/03-6/30/04
Tianjin Chemicals Import & Export Corporation Guangdong Chemicals Import and Export Corporation Turkey: Certain Pasta, A-489-805	7/1/03-6/30/04
Filiz Gida Sanayi ve Ticaret A.S. Tat Konserve, A.S.	
Countervailing Duty Proceedings	
Italy: Certain Pasta, C-475-819	1/1/03-12/31/03
Corticella Molini e Pastifici S.p.a./Pasta Combattenti S.p.a. Pastificio Carmine Russo S.p.A./Pastificio Di Nola S.p.A. Pastificio Antonio Pallante S.r.L. Pasta Lensi S.r.l. (successor to IAPC Italia S.r.l.)	
India: Polyethylene Terephthalate (PET) Film, C-533-825	1/1/03-12/31/03
Ester Industries Ltd. Flex Industries Ltd. Gareware Polyester Limited Jindal Polyester Limited/Jindal Poly Films Limited MTZ Polyesters Ltd. Polyplex Corporation Ltd. SRF Ltd.	
Suspension Agreements	
None.	

¹ The companies listed were inadvertently omitted from the initiation notices that published on 06/30/04 (69 FR 39409) and 07/28/04 (69 FR 45010).

² On June 30, 2004 (69 FR 38409), we initiated a review on Specialties G.D.S. Inc. We inadvertently misspelled the company name in that notice. The correct spelling of the company name is listed above.

³ On July 28, 2004 (69 FR 45010), we initiated an administrative review on Folding Metal Tables and Chairs from the PRC. In that notice the period of review listed was incorrect. The correct POR is listed above.

⁴ If one of the above named companies does not qualify for a separate rate, all other exporters of saccharin from the People's Republic of China who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

⁵ If one of the above named companies does not qualify for a separate rate, all other exporters of sebacic acid from the People's Republic of China who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an antidumping order under section 351.211 or a determination under section 351.218(f)(4) to continue an order or suspended investigation (after sunset review), the Secretary, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine, consistent with *FAG Italia v. United States*, 291 F.3d 806 (Fed. Cir. 202), as appropriate,

whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Interested parties must submit applications for disclosure under

administrative protective orders in accordance with 19 CFR 351.305.

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)) and 19 CFR 351.221(c)(1)(i).

Dated: August 24, 2004.

Holly A. Kuga,

Senior Office Director, Office 4 for Import Administration.

[FR Doc. E4-1977 Filed 8-27-04; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

(A-351-838)

Notice of Amended Preliminary Determination of Sales at Less Than Fair Value: Certain Frozen and Canned Warmwater Shrimp from Brazil

AGENCY: Import Administration, International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of Amended Preliminary Determination of Sales at Less Than Fair Value.

EFFECTIVE DATE: August 30, 2004).

FOR FURTHER INFORMATION CONTACT: Kate Johnson or Rebecca Trainor, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-4929 or (202) 482-4007, respectively.

SUPPLEMENTARY INFORMATION:

Significant Ministerial Error

Pursuant to 19 CFR 351.224(g)(1) and (g)(2), the Department of Commerce (the Department) is amending the preliminary determination of sales at less than fair value in the antidumping duty investigation of certain frozen and canned warmwater shrimp from Brazil to reflect the correction of significant ministerial errors it made in the margin calculations regarding Empresa de Armazenagem Frigorifica Ltda. (EMPAF) and All Others. A ministerial error is defined as an error in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any other similar type of unintentional error which the Secretary considers ministerial. See 19 CFR 351.224(f). A significant ministerial error is defined as an error, the correction of which, singly or in combination with other errors, would result in (1) a change of at least five absolute percentage points in, but not less than 25 percent of, the weighted-average dumping margin calculated in the original (erroneous) preliminary determination; or (2) a difference between a weighted-average dumping margin of zero or de minimis and a weighted-average dumping margin of greater than de minimis, or vice versa. See 19 CFR 351.224(g). We are publishing this amendment to the preliminary determination pursuant to 19 CFR 351.224(e). As a result of this amended preliminary determination, we have revised the antidumping rates for EMPAF and All Others. See discussion below.

Ministerial Error Allegations

On July 28, 2004, the Department published its affirmative preliminary determination in this proceeding. See *Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Certain Frozen and Canned Warmwater Shrimp from Brazil*, 69 FR 47081 (August 4, 2004) (Preliminary Determination).

On July 29, 2004, we disclosed our calculations for the preliminary determination to counsel for EMPAF, Central de Industrializacao e Distribuicao de Alimentos Ltda (CIDA), and Norte Pesca S.A. (Norte Pesca). On August 2, 2004, we disclosed our calculations for the preliminary determination to counsel for petitioners (i.e., Ad Hoc Shrimp Trade Action Committee, Versaggi Shrimp

Corporation, and Indian Ridge Shrimp Company).

On August 3, 2004, CIDA and on August 4 and 11, 2004, Norte Pesca alleged that the Department made ministerial errors in calculating their respective margin for the preliminary determination. On August 3, 2004, the Brazilian Shrimp Farmers' Association (ABCC) alleged a ministerial error with respect to the Department's preliminary calculation of the All Others rate. On August 9, 2004, the petitioners filed ministerial error allegations regarding the preliminary margin calculation for EMPAF. Also, on August 9, 2004, the petitioners filed a reply to the respondents' and ABCC's ministerial error allegation submissions filed on August 3 and 4, 2004, but these comments were not considered by the Department in accordance with 19 CFR 351.224(c)(3).

The alleged ministerial errors are as follows. Also see Memorandum to Louis Apple and Neal M. Halper from The Team, dated August 20, 2004, for further discussion of the ministerial error allegations and the Department's analysis.

Norte Pesca

1. The Department inappropriately applied an adverse facts available adjustment to the reported material costs.
2. The Department erroneously included the profit and indirect selling expenses of EMPAF in the calculation of constructed value for Norte Pesca.
3. The Department disallowed certain credits received for taxes previously paid, and as a result, costs related to non-subject merchandise were erroneously and inadvertently treated as Norte Pesca's shrimp costs.
4. The Department failed to use Norte Pesca's most recently submitted database.
5. The Department inadvertently included broken shrimp in the dumping margin calculation of Norte Pesca, while excluding broken shrimp from the dumping margin calculation of CIDA.

CIDA

1. The Department mistakenly merged CIDA's cost and sales databases using the wrong control number variables.

ABCC

1. The Department incorrectly used Norte Pesca's dumping margin in the All Others rate calculation.

Petitioners

1. The Department made a programming error in EMPAF's preliminary margin program by incorrectly including an additional packing variable.
2. The Department made a programming error in the assignment of count size codes to EMPAF's sales of head-on shrimp.

The Department has reviewed its preliminary calculations and agrees that certain of the errors which the parties alleged are ministerial errors within the meaning of 19 CFR 351.224(f). After analyzing the submissions cited above, we have determined that ministerial errors were made in the preliminary determination margin calculation for EMPAF. Specifically, (1) we inadvertently included an additional packing variable in the margin program thereby preventing the correct assignment of values to a certain other variables; and (2) we inadvertently failed to convert the reported count sizes for EMPAF's head-on shrimp sales from a per-kilogram to a per-pound basis before assigning the appropriate per-pound count size codes specified in the Department's questionnaire. See Memorandum to Louis Apple and Neal M. Halper from The Team, dated August 20, 2004, for further discussion of the petitioners' ministerial error allegations and the Department's analysis. All of the other alleged errors described above with respect to the preliminary margin calculations for Norte Pesca, CIDA and All Others are not ministerial errors, as defined by 19 CFR 351.422(f), and therefore, no correction is warranted with regard to these items.

Pursuant to 19 CFR 351.224(g), the ministerial errors acknowledged above for EMPAF are significant. Therefore, we have recalculated the margin for EMPAF. The Department hereby amends its preliminary determination with respect to EMPAF to correct these errors. We have also amended the All Others rate calculation to reflect these corrections.

The collection of bonds or cash deposits and suspension of liquidation will be revised accordingly and parties will be notified of this determination, in accordance with section 733(d) and (f) of the Tariff Act of 1930, as amended (the Act).

Amended Preliminary Determination

As a result of our correction of ministerial errors in the Preliminary Determination, the revised weighted-average dumping margins are as follows:

Exporter/Manufacturer	Original Weighted-Average Margin Percentage	Amended Weighted-Average Margin Percentage
Empresa de Armazenagem Frigorifica Ltda./Maricultura Netuno S.A.	0.00	12.86
All Others	36.91	23.66

International Trade Commission Notification

In accordance with section 733(f) of the Act, we have notified the International Trade Commission ("ITC") of the amended preliminary determination. If our final determination is affirmative, the ITC will determine before the later of 120 days after the date of the preliminary determination or 45 days after our final determination whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports, or sales (or the likelihood of sales) for importation, of the subject merchandise.

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.224(e).

Dated: August 23, 2004.

James J. Jochum,

*Assistant Secretary for Import
Administration.*

[FR Doc. E4-1974 Filed 8-25-04; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

International Trade Administration (C-549-824)

Preliminary Negative Countervailing Duty Determination and Alignment with Final Antidumping Duty Determination: Bottle-Grade Polyethylene Terephthalate (PET) Resin From Thailand

AGENCY: Import Administration,
International Trade Administration,
Department of Commerce.

SUMMARY: The Department of Commerce (the Department) preliminarily determines that countervailable subsidies are not being provided to producers and exporters of Bottle-Grade (BG) Polyethylene Terephthalate (PET) Resin from Thailand. For information on the estimated subsidy rates, see the "Preliminary Determination" section of this notice.

EFFECTIVE DATE: August 30, 2004.

FOR FURTHER INFORMATION CONTACT:

Thomas Gilgunn or Dara Iserson, Office of AD/CVD Enforcement VI, Import Administration, U.S. Department of Commerce, Room 7866, 14th Street and Constitution Avenue, NW, Washington,

DC 20230; telephone (202) 482-4236 and (202) 482-4052 respectively.

SUPPLEMENTARY INFORMATION:

Case History

The petition in this investigation was filed on March 24, 2004, by the United States PET Resin Coalition (petitioners). This investigation was initiated on April 14, 2004. See *Notice of Initiation of Countervailing Duty Investigation: Bottle-Grade Polyethylene Terephthalate (PET Resin from India and Thailand (C-533-842) and (C-549-824)*, 69 FR 21086 (April 20, 2004). On April 28, 2004, we issued a questionnaire to the Royal Thai Government (RTG) and requested that the RTG forward the relevant sections of the questionnaire to Thai producers/exporters of BG PET Resin.

On May 21, 2004, petitioners timely requested a 65-day postponement of the preliminary determination for this investigation until August 21, 2004. On June 3, 2004, the Department extended the deadline for the preliminary determination by 67 days to August 23, 2004, since August 21, 2004 falls on a Saturday, in accordance with section 703(c)(1)(A) of the Tariff Act of 1930, as amended (the Act). See *Postponement of Preliminary Countervailing Duty Determinations: Bottle-Grade Polyethylene Terephthalate Resin from India and Thailand*, 69 FR 31354 (June 3, 2004).

On June 14, 2004, the RTG submitted its questionnaire response. The RTG identified three Thai companies that produced and exported BG PET Resin to the United States during the period of investigation, and indicated which programs had been used by these companies. These three companies are Thai Shinkong Industry Corporation Limited (Thai Shinkong), Bangkok Polyester Public Company Limited (Bangkok Polyester), and Indopet (Thailand) Limited (Indopet) (herein after "respondent companies"). These three companies submitted responses on June 14, 2004.

On July 8, 2004, the Department issued supplemental questionnaires to the RTG and the three respondent companies. Thai Shinkong and Bangkok Polyester filed their respective supplemental responses on July 26, 2004. Indopet submitted its supplemental response on July 28, 2004.

On July 29, 2004, we received the RTG's supplemental response.

On August 2, 2004, petitioners filed deficiency comments for Thai Shinkong's and the RTG's responses. We received deficiency comments for Bangkok Polyester's responses on August 3, 2004 and for Indopet's questionnaire responses on August 5, 2004.

On August 5, 2004, we issued a second supplemental questionnaire to Thai Shinkong. On August 6, 2004, we issued a second supplemental questionnaire to the RTG. Additionally, on August 9, 2004, and August 10, 2004, we issued second supplemental questionnaires to Bangkok Polyester and Indopet, respectively.

On August 16, 2004, we received a response from Thai Shinkong. We received a response from Indopet on August 17, 2004. Additionally, on August 18, 2004, and on

August 19, 2004, we received responses from the RTG and Bangkok Polyester, respectively.

Scope of the Investigation

The merchandise covered by this investigation is BG PET Resin, defined as having an intrinsic viscosity of at least 0.68 deciliters per gram but not more than 0.86 deciliters per gram. The scope includes BG PET Resin that contains various additives introduced in the manufacturing process. The scope does not include post-consumer recycle (PCR) or post-industrial recycle (PIR) PET resin; however, included in the scope is any BG PET Resin blend of virgin PET bottle-grade resin and recycled PET (RPET). Waste and scrap PET is outside the scope of the investigation. Fiber-grade PET resin, which has an intrinsic viscosity of less than 0.68 deciliters per gram, is also outside the scope of the investigations. The merchandise subject to these investigations is properly classified under subheading 3907.60.0010 of the Harmonized Tariff Schedule of the United States (HTSUS); however, merchandise classified under HTSUS subheading 3907.60.0050 that otherwise meets the written description of the scope is also subject to these investigations. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.